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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,148	12/01/2000	Stephen Huxter	25350-703	2561

535 7590 02/11/2005

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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,148

Applicant(s)

HUXTER, STEPHEN

Examiner

Jamisia A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 91-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 91-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20010426.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 91-102 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With respect to Claim 91: the phrase “receiving the first tracking number wirelessly from a transponder resident on the handheld device to a receiver coupled to the enclosure” is indefinite. It is unclear to the examiner how you can “receive” something to something else. You can receive “from” something, or receive “by” something, but it is unclear how you can receive “to” something.

4. With respect to Claim 91: the phrase “in response to receiving the first tracking number, validating the first tracking number” is indefinite. Due to the fact that it is unclear who actually receives the information, it is unclear who does this step, the portable hand held device, or the transponder on the enclosure.

5. With respect to Claims 92 and 96: the phrase “wherein the receiving the first tracking number further includes” is indefinite. This phrase is grammatically incorrect, therefore causing it to be unclear. The examiner suggest either deleting the word “the” or having the phrase read “where the receiving the first tracking number step further includes”.

6. With respect to Claim 94: the phrase “VSAT” is indefinite. This appears to be an acronym which causes it to be unclear. The examiner suggest the acronym to be written out fully in the claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 91-93 and 95-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Till et al. (6,404,337).
8. With respect to Claims 91 and 97: Van Till discloses the use of a method of operating an enclosure by a remote computing system (see abstract), the remote computer system coupled to a network connection (Figure 11), and wherein the entry to the enclosure is controlled by an automated lock (see abstract). Van Till discloses the method comprises the following steps:
 - a. Receiving a first tracking number at a portable hand held device (Column 6, lines 57-59);
 - b. Wirelessly transmitting the first tracking number from the hand held device to a transponder on the enclosure (Column 6, lines 57-66);
 - c. Validating the first tracking number (Column 7, lines 8-10);
 - d. Opening the automated lock (Column 7, lines 11-14)).
9. With respect to Claim 92: Van Till discloses the portable hand held device wirelessly receives tracking number (Column 6, lines 42-44).
10. With respect to Claim 93: Van Till discloses the use of a network, and discloses the network being cable of communicating with other computing devices, such as the user's computer, the merchant, the central operations center, and third parties (column 5, lines 36-47), therefore the examiner considers this to be an internetwork.

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11. With respect to Claims 95 and 96: Van Till discloses the portable handheld device uses a barcode scanner and the barcode scanner is used to retrieve the tracking number (column 7, lines 41-46).

12. With respect to Claim 98: Van Till discloses the enclosure sending a wireless confirmation signal to the hand held device (digital signature, column 4, lines 32-36 and column 7, lines 20-23).

13. With respect to Claim 99: Van Till discloses the use of Radio Frequencies (column 4, lines 32-36).

14. With respect to Claim 100: Van Till discloses any communication can be encrypted (by use of hash function, which the examiner considers to be a type of encryption column 4, line 57 to column 5, line 5).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Till.

17. Van Till discloses the use of wireless communication, but fails to disclose the communication being a VSAT communication. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the wireless communication of Van Till to be a VSAT communication because Applicant has not

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disclosed that the VSAT communication is used for a particular purpose, or solves any stated problem, over any other means of wireless communication. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any kind of wireless communication because any kind of wireless communication would be easy and convenient to use on a portable electronic device. Furthermore, wireless hand held devices have been used for a long time by such companies as UPS®, FedEx® and the USPS. Therefore, it would have been an obvious matter of design choice to modify Van Till to obtain the invention as specified in Claim 94.

18. Claims 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Till, in view of Komei (4,894,717).

19. Van Till, as disclosed above for Claim 91, discloses the use of an enclosure for unattended delivery of an article, but fails to disclose the enclosure having a printer, which prints out a receipt for the confirmation of delivery of an item to the enclosure. Komei discloses the use of an enclosure system, coupled to a printer, which issues receipts and delivery notices (Column 1, lines 52-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Van Till, to include the printer of Komei, in order to provide an efficient and secure process which allows delivery service personnel to issue receipts.


Conclusion

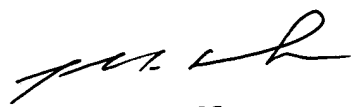
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watabe (5,223,829) discloses the use of enclosure which include printers for receipts, Kucharczyk et al. (6,300,873) discloses the use of a locking mechanism for use with an access code, Kaarsoo et al. (5,475,378) discloses the use of an unattended locker system, and Stephens et al. (6,323,782) discloses the use of an item delivery system with the use of transponders for wireless communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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